

EXHIBIT NN

CHAD W. DUNN
Admitted Pro Hac Vice
SONNI WAKNIN
Admitted Pro Hac Vice
UCLA Voting Rights Project
3250 Public Affairs Building
Los Angeles, CA 90095
Telephone: (310) 400-6019

MOLLY P. MATTER, WSBA #52311
Amend Law, LLC
PO Box 13203
Burton, WA 98013
Telephone: (206) 280-8724

EDWARD MORFIN
Morfin Law Firm
732 N. Center Parkway
Kennewick, WA 99336
Telephone: 509-380-9999

ROSEMARY M. RIVAS
Admitted Pro Hac Vice
MARK H. TROUTMAN
Admitted Pro Hac Vice
GIBBS LAW GROUP LLP
1111 Broadway, Suite 2100
Oakland, CA 94607
Telephone: (510) 350-9700
Facsimile: (510) 350-9701

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

JESSE REYES, DANIEL REYNOSO, LEAGUE
OF UNITED LATIN AMERICAN CITIZENS,
LATINO COMMUNITY FUND OF
WASHINGTON

Plaintiffs,

vs.

BRENDA CHILTON, et al.

Defendants.

Case No.: 4:21-cv-05075-MKD

**PLAINTIFF LEAGUE OF UNITED LATIN
AMERICAN CITIZENS' AMENDED AND
SUPPLEMENTAL RESPONSES AND
OBJECTIONS TO DEFENDANTS' FIRST
INTERROGATORIES**

García submitted on January 5, 2023. *See* ECF 79-3 at 9,19-30, 43-48. Plaintiff also refers Defendants to the expert report of Professor Josué Estrada. *See* Estrada, Josué at 45-63.

Plaintiff directs Defendants to the following Declarations: Elvia Lopez, Plaintiffs_167348-Plaintiffs_167351; Dora Alvarez Roa, Plaintiffs_168169_168171; Pablo Alcantar, Plaintiffs_168500-Plaintiffs_168503; Joel Torres, Plaintiffs_167345-Plaintiffs_167347; Maricela Sanchez, Plaintiffs_168388-Plaintiffs_168393; Marissa Reyes, Plaintiffs_168507-Plaintiffs_168509; Erika Reyes, Plaintiffs_169300_169304; Arlette Lopez Rodriguez, Plaintiffs_168457-Plaintiffs_168459; and to the letter from the American Civil Liberties Union of Washington, Plaintiffs_128149-Plaintiffs_128151. Plaintiffs refer Defendants to advocacy work of the Latino Community Fund: Plaintiffs_126969-Plaintiffs_126974; Plaintiffs_127205-Plaintiffs_127209; Plaintiffs_126939-Plaintiffs_126950; Plaintiffs_126957-Plaintiffs_126962; Plaintiffs_126952-Plaintiffs_126956; Plaintiffs_127099. Further, Plaintiff believes that further witness testimony, including deposition testimony, will provide facts in support of Plaintiff's claims.

INTERROGATORY NO. 14:

Please describe fully the terms of the injunction you seek against each of Benton County, Chelan County, and Yakima County.

RESPONSE:

Plaintiff objects to this interrogatory on the grounds that it is overbroad, burdensome and premature at this stage in the litigation. *See In re eBay Seller Antitrust Litig.*, No. C 07-1882, 2008 WL 5212170, at *2 (N.D. Cal. Dec. 11, 2008); *In re Convergent Securities Litig.*, 108 F.R.D. 328, 332-38 (N.D. Cal. 1985); *See also Olson v. City of Bainbridge Island*, No. C08-5513RJB, 2009 WL 1770132, at *4 (W.D. Wash. June 18, 2009) (upholding “overly broad” objection to contention interrogatory which requested “all facts and all evidence” supporting a particular allegation); *See also Advocare Int'l, L.P. v. Scheckenbach*, No. C08-5332 RBL, 2009 WL 3064867, at *1 (W.D. Wash. Sept. 24, 2009) (“Numerous federal courts have held that contention interrogatories which systematically track all of the allegations in an opposing party's pleadings, and that ask for each and

every fact and application of law to fact that supports the party's allegations are an abuse of the discovery process because they are overly broad and unduly burdensome.”) (internal quotations omitted). Plaintiff also objects to the interrogatory on the grounds that it calls for expert testimony prior to the deadline of the exchange of expert reports in violation of Fed. R. Civ. P. 26.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff expects that materials in forthcoming expert reports will be responsive. Plaintiff intends to provide a response to this interrogatory by January 20, 2023 assuming discovery deadlines do not change. Should additional information surface in light of continuing discovery obligations, Plaintiff reserves the right to supplement or respond thereafter.

SUPPLEMENTAL RESPONSE:

Plaintiff is seeking a permanent injunction against Benton, Chelan, and Yakima Counties that would declare the application of the signature verification process RCW 29A.40.110 violative of the United States Constitution and of Section 2 of the Federal Voting Rights Act, 52 U.S.C. § 10301. Plaintiff seeks to enjoin Defendants, their agents and successors, and all persons acting in concert with, or as agents of, any Defendants from implementing RCW 29A.40.110 and WAC 434-261-050 in future elections.

INTERROGATORY NO. 15:

If you contend that an in-person voting regime, such as was commonly found in 1982, imposed fewer burdens on participation by Latinx voters than does a vote-by-mail regime in which voter identity is confirmed by matching the signature on the ballot declaration with the signature in the voter registration file, please describe fully Your basis for this contention.

RESPONSE:

Plaintiff objects to this interrogatory on the grounds that it does not accurately reflect Plaintiff's contentions. Plaintiff objects to this interrogatory on the grounds that it is overbroad, burdensome and premature at this stage in the litigation. *See In re eBay Seller Antitrust Litig.*, No. C 07-1882, 2008 WL 5212170, at *2 (N.D. Cal. Dec. 11, 2008); *In re Convergent Securities Litig.*, 108

1 totality of circumstances test, failure to provide this information contributes to discrimination against
 2 Latino voters.

3
 4 **INTERROGATORY NO. 17 [erroneously identified as No. 16]:**

5 Please describe the efforts of Your members who are registered to vote in any of Benton
 6 County, Chelan County, or Yakima County to vote in-person, during elections in the past five years,
 7 at the election's office of the county in which the member was registered for that election.

8 **RESPONSE:**

9 Plaintiff objects on the grounds that the interrogatory is vague and ambiguous as to the term
 10 "efforts" and "members" as it is not specific as to the types of "efforts" for which Defendants seek
 11 information and "members" is not defined and could include a multitude of different groups of
 12 people, ranging, for example, from those who may have signed up for email updates from Plaintiff to
 13 those who have organizational voting rights. Plaintiff further objects on the grounds that the
 14 interrogatory is overbroad, burdensome, oppressive, and not proportional to the needs of the case
 15 because it requires Plaintiff to describe the efforts of all of its member to vote in-person. Plaintiff
 16 also objects to the interrogatory the extent Defendants have exclusive or equal access to such
 17 information and/or to the extent the requested information is publicly available.

18 **SUPPLEMENTAL RESPONSE:**

19 Plaintiff does not assist voters to vote in-person in the Defendant counties. Plaintiff assists
 20 voters who vote by-mail as Washington State conducts all its elections by a mail-in voting regime.

21 Dated: May 1, 2023

22 /s/ Mark Troutman

23 ROSEMARY M. RIVAS
 24 *Admitted Pro Hac Vice*
 25 MARK TROUTMAN
 26 *Admitted Pro Hac Vice*
 27 GIBBS LAW GROUP LLP
 1111 Broadway, Suite 2100
 Oakland, CA 94607
 Telephone: (510) 350-9700
 Facsimile: (510) 350-9701

Attorneys for Plaintiff

VERIFICATION OF INTERROGATORY ANSWERS

I, Gabriel Portugal, am the State Director of Washington LULAC and as such I am authorized to make this verification. I declare that I have read and know the contents of the foregoing **Plaintiff League of United Latin American Citizens' Amended and Supplemental Responses and Objections to Defendant's First Interrogatories** and believe them to be true and correct.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 4th day of May 2023, at Pasco, Washington.
(City, State)

Gabriel Portugal

Gabriel Portugal

Signature Certificate

Reference number: QDZG8-8RQH5-7AIFU-NDUGO

| Signer | Timestamp | Signature |
|--|-----------|--|
| Gabriel Portugal Email: port_ga@hotmail.com Shared via link Sent: 04 May 2023 18:44:36 UTC Viewed: 04 May 2023 18:45:01 UTC Signed: 04 May 2023 22:16:22 UTC | |  IP address: 71.15.181.184 Location: Pasco, United States |

Document completed by all parties on:
04 May 2023 22:16:22 UTC

Page 1 of 1



Signed with PandaDoc

PandaDoc is a document workflow and certified eSignature solution trusted by 40,000+ companies worldwide.

